

REMARKS

This amendment is in response to the Office Action of December 18, 2003 in which claims 1-16 were allowed and 17-20 rejected.

Regarding the indefiniteness problem in claims 5 and 13, these claims have been amended to remove the problem pointed out by the Examiner. Allowance is requested.

Regarding the 35 U.S.C. §102(e) rejection of claims 17-20 based on Golden et al. (US 6,563,793), the passages of Golden cited by the Examiner do not anticipate claims 17-20. Golden et al. determines what the requested QoS of a received packet is and then tries to find out if there are sufficient resources to meet the requested QoS and if not, provide a best effort, next-highest-capacity solution for the packet. However, that is not what is claimed in claims 17 and 19. What is claimed is determining if a packet that has information relating to a QoS requested for the packet and received in a first network from a second network actually experienced that QoS over the second network. If not, the packet is reclassified on that basis, not based on what is available. Therefore, Golden et al. is inapplicable and it is requested that the 35 U.S.C. § 102(e) rejection of claims 17-20 be withdrawn. The claims 17 and 19 have been amended to make the exact language used in the determining step completely the same as the language used in the classifying step, i.e., to make the claim clearer, not to overcome the rejection.

The objections and rejections of the Office Action of December 18, 2003, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-20 to issue is solicited.

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